



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Cancel Public Hearing for June 21, 2006 to consider the appeal from Mohammad Dawood Khan and Rehana Khan, regarding the requirements of a Notice and Order to Repair dated April 19, 2006, for the property located at 505 E. Pine Street (APN: 043-170-03)

MEETING DATE: June 21, 2006

PREPARED BY: Community Improvement Manager

RECOMMENDED ACTION: Cancel Public Hearing for June 21, 2006 to consider the appeal from Mohammad Dawood Khan and Rehana Khan regarding the requirements of a Notice and Order to Repair dated April 19, 2006, for the property located at 505 E. Pine Street (APN: 043-170-03).

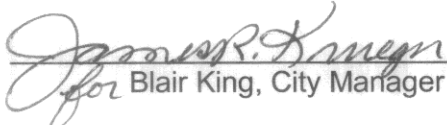
BACKGROUND INFORMATION: The Appellants own the property located at 505 E. Pine Street in Lodi, where there currently exist three residential structures; one single-family dwelling, and two 3-unit structures, for a total of 7 units.

A comprehensive Notice and Order to Repair was issued on April 19, 2006, in regards to conditions found within the two 3-unit structures at the rear of the property. This Notice and Order lists substandard and hazardous conditions which pertain to illegal additions, alterations or conversions of what was originally built and allowed upon the property, insufficient floor space/room size for habitable rooms, inadequate, deteriorated and unsafe electrical, damaged or deteriorated structural framing and support members for the roof, inadequate exits and/or emergency egress, unsanitary conditions due to rodent and/or insect infestation, substandard plumbing and mechanical, and general dilapidation and/or deterioration throughout the units.

Our permit records indicate that there should be two 3-room dwellings and two 2-room dwellings upon the property. Another source indicates that the two rear structures should have a total of no more than 5 units. As stated previously, our inspection of the property has documented that in addition to the single-family dwelling at the front of the property, there is a total of 6 units between the two rear buildings.

The Appellants are seeking relief from the requirements that the units be renovated or reconfigured to provide the required minimum floor space for each unit; that they be allowed to upgrade the electrical to each unit to a 60amp electrical service rather than the minimum required 100amp service; and finally, that they be allowed to keep the unit illegally converted from garage space without a permit.

Community Development staff has been working with the Appellants since the setting of this public hearing to clarify the issues of this appeal and has resolved this administratively. On June 12, 2006 the Khan's submitted a signed Compliance Proposal to the Community Development Department. This eliminates the need for an appeal hearing as both property owner and City agree as to the repairs, corrections and remodeling that will be done to resolve issues with this property.

APPROVED: 
for Blair King, City Manager

FISCAL IMPACT: \$300 Appeal Fee collected.

FUNDING AVAILABLE: Not Applicable



Ruby Paiste, Interim Finance Director



Randy Hatch
Community Development Director

Attachment

cc: Mohammad Dawood Khan and Rehana Khan

RECEIVED

June 9, 2006

JUN 12 2006

COMMUNITY DEVELOPMENT DEPT.
CITY OF LODI

MEMORANDUM

To: Mohammad Dawood & Rehana Khan
cc: Tariq Din

From: Joseph Wood, Manager
Community Improvement Division
City of Lodi Community Development Department

RE: Compliance Proposal Issues Under Appeal for 505 ½ E. Pine Street

Appellants Mohammad Dawood & Rehana Khan have appealed certain issues of the Notice and Order to Repair for the property at 505 ½ E. Pine Street. After thorough review and discussion, the following description of repairs, corrections and remodeling has been agreed upon to resolve the issues under appeal:

East Building

Unit 1

- Removal/Alteration of non-load bearing wall between living room and kitchen to create one room with minimum 120 sq. ft. floor area.
- Entrances modified to eliminate step over threshold.
- W/H relocated to central location at south end of building.

Unit 2

- Removal/Alteration of non-load bearing wall between bedroom and kitchen/dining to create one room with minimum 120 sq. ft. floor area.
- Entrances modified to eliminate step over threshold.
- W/H relocated to central location at south end of building.

Unit 6

- Complete rebuild of Unit 6 to meet all current code as proposed by appellant, which will include new foundation, wall framing, and roof, as well as compliance with energy code requirements.
- If designed as an Efficiency Dwelling Unit, one room must meet requirement of 220 sq. ft. of floor area. If designed as a 1-bedroom unit, one room must meet minimum floor area of 120 sq. ft.
- Proposed remodel will entail realigning walls in line with the existing footprint for Units 1 & 2, thereby providing greater clearance from east property line than what currently exists in what is the converted garage portion of the structure.

Carport

- Existing carport attached to south end of building has no record of permit and creates a problem as it is too close to the property line and is also attached to the main dwelling, making the dwelling and Units 1,2 & 6 all one building.

- These conditions can best be corrected by including the replacement of that carport as part of the rebuild of Unit 6. As such, the carport structure must maintain six-foot (6') separation from the main dwelling and five-foot (5') from the east property line.

West Building

Unit 3

- Removal/Alteration of non-load bearing wall between bedroom and kitchen/dining to create one room with minimum 120 sq. ft. floor area.
- W/H relocated to south end of building.

Unit 4

- Removal/Alteration of non-load bearing wall between bedroom and kitchen/dining to create one room with minimum 120 sq. ft. floor area.
- W/H relocated to south end of building.

Unit 5

- Removal/Alteration of non-load bearing wall between bedroom and kitchen/dining to create one room with minimum 120 sq. ft. floor area.
- W/H relocated to south end of building.

Electrical Service Upgrades

- Clarification was made to the Appellant that 60amp services are the minimum allowed for multi-family units. However, in order to provide adequate amperage for the appliances that tenants are likely to use, the Appellant has agreed that upgrading to 100amp services is worthwhile and not an unreasonable expense.

By signing this Compliance Proposal, all parties agree that the issues under appeal have been resolved administratively and that there is no need to conduct the appeal hearing scheduled for June 21, 2006.

Property Owner:

M. D. KHAN
Mohammad Dawood Khan

6-12-06
Date

City Official:

Joseph Wood
Joseph Wood, Manager
Community Improvement Division

6/12/06
Date

PROOF OF PUBLICATION

(2015.5 C.C.C.P.)

STATE OF CALIFORNIA

County of San Joaquin

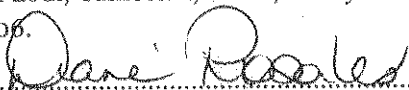
I am a citizen of the United States and a resident of the County aforesaid: I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Lodi News-Sentinel, a newspaper of general circulation, printed and published daily except Sundays and holidays, in the City of Lodi, California, County of San Joaquin and which newspaper had been adjudicated a newspaper of general circulation by the Superior Court, Department 3, of the County of San Joaquin, State of California, under the date of May 26th, 1953. Case Number 65990; that the notice of which the annexed is a printed copy (set in type not smaller than non-pareil) has been published in each regular and entire issue of said newspaper and not in any supplement thereto on the following dates to-wit:

May 27th,

all in the year 2006.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at Lodi, California, this 27th day of May 2006.



Signature

This space is for the County Clerk's Filing Stamp

2006 JUN -8 AM 9:34

CITY CLERK
CITY OF LODI

Proof of Publication

Notice of Public Hearing

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, June 21, 2006** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

a) appeal from Mohammad Dawood Khan and Rehana Khan, regarding the requirements of a Notice and Order to Repair dated April 19, 2006, for the property located at 505 E. Pine Street (APN: 043-170-03)

Information regarding this item may be obtained in the Community Development Department, 221 West Pine Street, Lodi, (209) 333-6711. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 W. Pine Street, 2nd Floor, Lodi, 95240 at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:

Susan J. Blackston
City Clerk

Dated: May 17, 2006

Approved as to form:

D. Stephen Schwabauer
City Attorney
May 27, 2006 - 05512167

5512167



***Please immediately confirm receipt
of this fax by calling 333-6702***

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: NOTICE OF PUBLIC HEARING for June 21, 2006, appeal from Mohammad Dawood Khan and Rehana Khan, regarding the requirements of a Notice and Order to Repair dated April 19, 2006, for the property located at 505 E. Pine Street (APN: 043-170-03)

LEGAL AD

PUBLISH DATE: SATURDAY, MAY 27, 2006

TEAR SHEETS WANTED: Three (3) please

SEND AFFIDAVIT AND BILL TO: SUSAN BLACKSTON, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, MAY 18, 2006

ORDERED BY: SUSAN J. BLACKSTON
CITY CLERK

JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK


DANA R. CHAPMAN
ADMINISTRATIVE CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

LNS Faxed to the Sentinel at 369-1084 at 4:00 (time) on 5/18/06 (date) 2 (pages)
DHANE Phoned to confirm receipt of all pages at 3:30 (time) JLT DRC JMP (initials)



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: June 21, 2006

Time: 7:00 p.m.

For information regarding this notice please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

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Susan J. Blackston
City Clerk

Dated: May 17, 2006

Approved as to form:

D. Stephen Schwabauer
City Attorney



DECLARATION OF POSTING

NOTICE OF PUBLIC HEARING for June 21, 2006, appeal from Mohammad Dawood Khan and Rehana Khan, regarding the requirements of a Notice and Order to Repair dated April 19, 2006, for the property located at 505 E. Pine Street (APN: 043-170-03)

On Friday, May 19, 2006, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing for June 21, 2006, appeal from Mohammad Dawood Khan and Rehana Khan, regarding the requirements of a Notice and Order to Repair dated April 19, 2006, for the property located at 505 E. Pine Street (APN: 043-170-03)

Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 19, 2006, at Lodi, California.

ORDERED BY:

SUSAN J. BLACKSTON
CITY CLERK

JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK



DANA R. CHAPMAN
ADMINISTRATIVE CLERK